

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION
ON H.R. 5710, 87TH CONGRESS, 1ST SESSION, A BILL
TO PERMIT THE COMMISSION TO RENEW A STATION LICENSE
IN THE SAFETY AND SPECIAL RADIO SERVICES MORE THAN
THIRTY DAYS PRIOR TO EXPIRATION OF SUCH LICENSE.

2490

H.R. 5710 would amend Section 307(e) of the Communications Act so that the thirty day restriction on renewal of licenses would be deleted insofar as the Safety and Special Radio Services are concerned. The present provisions of Section 307(e) would remain intact with respect to licenses in the Broadcasting and Common Carrier services.

The language of H.R. 5710 is substantially as the Commission adopted as a part of its legislative program for the 87th Congress. Attached are copies of the Commission's explanation for this proposed amendment to the Communications Act.

The Commission recommends that H.R. 5710 be enacted.

Attachment

Adopted: April 12, 1961

Proposed for
87th Congress, 1st Session
by the FCC

FCC 61-29

97590

EXPLANATION OF PROPOSED AMENDMENT TO SUBSECTION (e) OF SECTION 307 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, TO PERMIT THE COMMISSION TO RENEW A STATION LICENSE IN THE SAFETY AND SPECIAL RADIO SERVICES MORE THAN 30 DAYS PRIOR TO EXPIRATION OF THE ORIGINAL LICENSE

The Commission recommends that Section 307(e) of our Act be amended so that the 30-day restriction on renewal of licenses would be deleted so far as the Safety & Special Radio Services are concerned (47 U.S.C. 307(e)). Language for the suggested amendment is attached hereto.

Section 307(e) now prohibits the granting of any renewal license more than 30 days prior to the expiration of the original license. This 30-day restriction creates an obstacle to the Commission's constant effort to timely process the ever-increasing number of applications for authorizations in the various Safety and Special Radio Services. 1/

In many cases, a needless duplication of effort could be avoided if an application for license modification could also be treated as a renewal application. Since no renewal can be granted more than thirty days prior to the expiration of the original license under the law as now written, the Commission, in those cases where it is considering an application for the modification of a license which has an expiration date occurring more than 30 days later, must act solely on the modification notwithstanding that the same license will thereafter come up for renewal. Such a practice seems inefficient and needlessly burdensome, especially when, as in all of these Safety and Special Radio type cases, applications for license modification contain all information needed for renewal consideration. Also, such licenses are not mutually exclusive so the rights of others are not prejudiced by a grant.

The magnitude of the problem may be illustrated by examining some statistics in the Amateur Radio Service which is just one of the numerous Safety & Special Radio Services. During the fiscal year 1959, 10,500 modified licenses were issued. Eventually, each of these 10,500 licenses must be processed again on renewal, even though all the information necessary for renewal was at hand when the modifications were granted.

1/ During the fiscal year 1959, the Commission received 250,000 applications for stations in the Safety & Special Radio Services.

Amendment of Section 307(e), as recommended herein, would permit the Commission to consider such applications for modification as applications for modification and renewal. Accordingly, the Commission could then issue such modified licenses for a regular license term, thus eliminating most of the duplicate effort. A similar reduction of workload in relation to the over-all application processing activities in this area would be a great advantage to the public and the Commission, without any reduction in the Commission's current fulfillment of its public interest obligations.

The 30-day limit also causes burdensome and needless repetition in processing renewal applications which are prematurely received by the Commission. In the fiscal year 1959, for example, approximately one-half of the 15,000 renewal applications received in the Amateur Radio Service were submitted prematurely and had to be sorted and set aside until ripe for processing. An amended Section 307(e) would eliminate this problem.

Moreover, it would appear that the restriction in Section 307(e) is more appropriately applied exclusively to applications for broadcast licenses and Common Carrier services. Since these applications are sometimes granted on a comparative basis, and the nature of the service offered affects a major segment of the population in the area proposed to be served, the 30-day limit would seem to have a useful purpose. On the other hand, the private, non-competitive nature of the Safety and Special Radio Services would seem to make such a 30-day limit unnecessary.

Adopted: January 4, 1961